

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

APPLE INC.,)	
)	
Plaintiff,)	
)	C.A. No. 22-1377-MN-JLH
v.)	
)	JURY TRIAL DEMANDED
MASIMO CORPORATION and)	
SOUND UNITED, LLC,)	
)	
Defendants.)	
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MASIMO CORPORATION,)	
)	
Counter-Claimant,)	
)	
v.)	
)	
APPLE INC.,)	
)	
Counter-Defendant.)	

**SUPPLEMENTAL DECLARATION OF KERRI-ANN LIMBEEK IN SUPPORT OF
PLAINTIFF APPLE INC.'S REPLY IN SUPPORT OF ITS
MOTION FOR AN EXPEDITED TRIAL**

I, Kerri-Ann Limbeek, declare and state as follows:

1. I am an attorney and partner at the law firm Desmarais LLP, counsel of record for Plaintiff Apple Inc. ("Apple") in the above-captioned case. I am licensed to practice law by and in good standing with the Bar of the State of New York. I submit this declaration based on personal knowledge, and if called upon as a witness, could competently testify to the truth of each statement herein.

2. I submit this declaration in support of Apple's Reply in Support of Its Motion for an Expedited Trial, submitted concurrently herewith.

3. Attached as **Exhibit S** is a true and correct copy of “How to Buy Pulse Oximeters For Your Medical Facility” published by Infinium Medical, a company who incorporates Masimo’s Signal Extraction Technology (SET) into its pulse oximeter products, available at <https://infiniummedical.com/how-to-buy-pulse-oximeters-for-your-medical-facility/>.

4. Attached as **Exhibit T** is a true and correct copy of Michael W. Sjoding, “Racial Bias in Pulse Oximetry Measurement,” New Eng. J. Med (Dec. 17, 2020).

5. Attached as **Exhibit U** is a true and correct copy of “Blood Oxygen app on Apple Watch” (October 2022), available at: https://www.apple.com/healthcare/docs/site/Blood_Oxygen_app_on_Apple_Watch_October_2022.pdf.

6. Attached as **Exhibit V** is a true and correct copy of an email sent on February 17, 2023, from counsel for Apple to counsel for Defendants Masimo Corporation and Sound United LLC, attaching a draft Rule 26(f) Report (**Attachment A**) and draft Proposed Scheduling Order (**Attachment B**), which includes Apple’s proposals for an expedited schedule and a non-expedited schedule in this case.

7. Attached as **Exhibit W** is a true and correct copy of the Best Buy webpage showing the back of the Samsung Galaxy Watch5, available at <https://www.bestbuy.com/site/samsung-galaxy-watch5-aluminumsmartwatch-40mm-bt-bora-purple/6510878.p?skuId=6510878>.

8. Attached as **Exhibit X** is a true and correct copy of the Best Buy webpage showing the back of the Garmin - Forerunner 955 GPS Smartwatch, available at <https://www.bestbuy.com/site/garmin-forerunner-955-gpssmartwatch-47-mm-fiber-reinforcedpolymerwhitestone/6513334.p?skuId=6513334>.

9. Attached as **Exhibit Y** is a true and correct copy of a Fox Business News clip, screenshotted at 1:38 of the video, available at <https://video.foxbusiness.com/v/6317609549112#sp=show-clips>.

I declare the foregoing to be true and correct under penalty of perjury.

Dated: March 3, 2023

By: /s/ Kerri-Ann Limbeek
Kerri-Ann Limbeek

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